

BRIAN J. STRETCH (CABN 163973)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

CHRISTINA McCALL (CABN 234139)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
Christina.McCall@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-16-70383 MAG
)	
Plaintiff,)	STIPULATION AND [ORDER] TO EXTEND
)	TIME FOR PRELIMINARY HEARING AND
v.)	EXCLUDE TIME UNDER SPEEDY TRIAL ACT
)	
KENNETH ELLIS,)	Date: April 25, 2016
)	Courtroom 4
Defendant.)	

On March 31, 2016, the parties appeared before Magistrate Ryu for a detention hearing. The Court set a status conference regarding preliminary hearing for April 25, 2016, and the parties jointly waived time under Rule 5.1.

Plaintiff, United States of America, by and through Assistant United States Attorney, Christina McCall and Defendant Kenneth Ellis, individually and by his counsel of record, Jerome Matthews hereby stipulate to continue the status conference regarding preliminary hearing currently set for April 25, 2016, to May 2, 2016, at 9:30 a.m.

The parties agree that the time beginning from the date of this stipulation extending through May 2, 2016, should be excluded from the calculation of time under the Speedy Trial Act. Further, the defendant consents to an extension of the time for a preliminary hearing until May 2, 2016, Fed. R.

1 Crim. P. 5.1(d). The parties submit that the ends of justice are served by the Court excluding such time,
 2 so that they may have reasonable time necessary for effective preparation, taking into account the
 3 exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

4 In particular, the one-week extension of time is required so that the parties can continue to
 5 conduct investigation and discuss the possibility of a pre-indictment resolution of the case. The
 6 government has produced voluminous discovery in this case, consisting of: defendant's rap sheet; police
 7 reports from approximately 11 bank robberies; surveillance images and videos; lookout flyers; and a
 8 DVD containing defendant's post-arrest statement. Defense counsel needs time to review these
 9 materials in order to advise his client how to proceed. The defendant consents to this continuance. The
 10 parties stipulate that this interest of justice outweighs the interest of the public and the defendant in a
 11 speedy trial, 18 U.S.C. §§ 3161(b) and (h)(7)(A), and further that this good cause outweighs the public's
 12 interest in the prompt disposition of criminal cases. Fed. R. Crim. P. 5.1(d).

13 The parties are separately submitting a stipulation to continue the additional briefing ordered by
 14 Magistrate Judge Ryu, currently set for April 18. The parties are also requesting that the briefing
 15 deadline be set for May 2, 2016.

16 DATED: April 14, 2016

Respectfully submitted,

17 /s/ Jeroms Matthews
 18 JEROME MATTHEWS
 Attorney for Kenneth Ellis

BRIAN J. STRETCH
 United States Attorney

19 /s/ Christina McCall
 20 CHRISTINA McCALL
 Assistant United States Attorney


21 **ORDER**

22 The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing
 23 pursuant to Rule 5.1(d) and Exclusion of Time. The Court hereby finds that the Stipulation
 24 demonstrates good cause for an extension of time for the preliminary hearing status conference date,
 25 pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. Furthermore, for the reasons set
 26 forth in the parties' stipulation, the Court finds that the interests of justice served by granting this
 27 continuance outweigh the best interests of the public and defendant in a speedy trial. 18
 28

1 U.S.C. § 3161(h)(7)(A). The date of the status conference regarding preliminary hearing is hereby
2 extended to May 2, 2016 at 9:30 a.m., and the time between the date of this order and May 2, 2016 shall
3 be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A) and Federal Rule of Criminal
4 Procedure 5.1(d).

5 IT IS SO ORDERED.

6
7 DATED: 4/14/16


HON. KANDIS A. WESTMORE
United States Magistrate Judge